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8 **BEFORE THE**  
9 **STRUCTURAL PEST CONTROL BOARD**  
10 **DEPARTMENT OF PESTICIDE REGULATION**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-72(f)

13  
14 **SEAN D. NEUFELD**

**DEFAULT DECISION AND ORDER**

15 **1051 East Lassen Avenue, #21**  
16 **Chico, CA 95973**

[Gov. Code, §11520]

17 **Applicator License No. RA 50644, Br. 2 & 3**

18 Respondent.  
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20 **FINDINGS OF FACT**

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22 1. On or about August 29, 2012, Complainant William H. Douglas, in his official  
23 capacity as the Interim Executive Officer of the Structural Pest Control Board, Department of  
24 Pesticide Regulation, filed First Amended Accusation No. 2011-72(f) against Sean D. Neufeld  
25 (Respondent) before the Structural Pest Control Board. (First Amended Accusation attached as  
26 Exhibit A.)

27 2. On or about February 4, 2010, the Structural Pest Control Board (Board) issued  
28 Applicator License No. RA 50644 to Respondent. The Applicator License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 2011-72(f) and expired on  
2 February 4, 2013. While the license has now expired, this lapse in licensure, pursuant to Business  
3 and Professions Code section 118(b), does not deprive the Board of its authority to institute or  
4 continue this disciplinary proceeding.

5 3. On or about September 4, 2012, Respondent was served by First Class and Certified  
6 Mail copies of the First Amended Accusation No. 2011-72(f), Statement to Respondent, Notice of  
7 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,  
8 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and  
9 Professions Code section 136, is required to be reported and maintained with the Board.

10 Respondent's address of record was and is:

11 1051 East Lassen Avenue, #21  
12 Chico, CA 95973.

13 4. Service of the First Amended Accusation was effective as a matter of law under the  
14 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions  
15 Code section 124.

16 5. On or about October 24, 2012, the aforementioned Certified Mail documents were  
17 returned by the U.S. Postal Service marked "Unclaimed."

18 6. The aforementioned First Class mail documents were returned by the U.S. Postal  
19 Service marked "Unclaimed."

20 7. Government Code section 11506 states, in pertinent part:

21 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
22 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
23 of the accusation not expressly admitted. Failure to file a notice of defense shall  
24 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
25 may nevertheless grant a hearing.

26 8. Respondent failed to file a Notice of Defense within 15 days after service upon him  
27 of the First Amended Accusation, and therefore waived his right to a hearing on the merits of  
28 Accusation No. 2011-72(f).

9. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the  
hearing, the agency may take action based upon the respondent's express admissions

1 or upon other evidence and affidavits may be used as evidence without any notice to  
2 respondent.

3 10. Pursuant to its authority under Government Code section 11520, the Board finds  
4 Respondent is in default. The Board will take action without further hearing and, based on the  
5 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
6 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
7 file at the Board's offices regarding the allegations contained in First Amended Accusation No.  
8 2011-72(f), finds that the charges and allegations in First Amended Accusation No. 2011-72(f),  
9 are separately and severally, found to be true and correct by clear and convincing evidence.

10 11. Taking official notice of its own internal records, pursuant to Business and  
11 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
12 and Enforcement are \$862.50.

#### 13 DETERMINATION OF ISSUES

14 1. Based on the foregoing findings of fact, Respondent Sean D. Neufeld has subjected  
15 his Applicator License No. RA 50644 to discipline.

16 2. The agency has jurisdiction to adjudicate this case by default.

17 3. The Structural Pest Control Board is authorized to revoke Respondent's Applicator  
18 License based upon the following violations alleged in the First Amended Accusation which are  
19 supported by the evidence contained in the Default Decision Evidence Packet in this case:

20 a. Business and Professions Code section 8651, in that in 2010, Respondent engaged in  
21 pest control work in a branch other than that for which he was licensed.

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ORDER

IT IS SO ORDERED that Applicator License No. RA 50644, heretofore issued to Respondent Sean D. Neufeld, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 21, 2013.

It is so ORDERED July 22, 2013

  
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FOR THE STRUCTURAL PEST CONTROL  
BOARD  
DEPARTMENT OF PESTICIDE REGULATION

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Attachment:  
Exhibit A: First Amended Accusation